

Message Text

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ACTION IO-14

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C O N F I D E N T I A L SECTION 01 OF 02 USUN NEW YORK 02321

DEPT PASS TO INTERIOR FOR OMSN

E.O.11652: GDS
TAGS: PORG, UNSC, MARR, TQ
SUBJECT: DRAFT US-MICRONESIA COMPACT OF FREE
ASSOCIATION

1. WE APPRECIATE THE OPPORTUNITY TO REVIEW THE JUNE 1
DRAFT COMPACT OF FREE ASSOCIATION BASED ON THE HILO
PRINCIPLES, BOTH IN THE SINGLE DOCUMENT VERSION AND
THE THREE-DOCUMENT VERSION WHICH SEPARATELY DEALS
WITH US POLITICAL, ECONOMIC, AND DEFENSE RELATIONSHIPS
WITH MICRONESIA.

2. WHETHER IN THE SINGLE OR THREE-DOCUMENT VERSIONS,
DEFENSE ASPECTS WILL BE SUBJECT TO THE MOST INTENSE
SCRUTINY BY THE UN SECURITY COUNCIL WHEN IT CONSIDERS
THE PROPOSAL TO TERMINATE THE 1947 TRUSTEESHIP
AGREEMENT. OUR APPRAISAL HAS BEEN THAT PROVIDED
(A) A GOOD MAJORITY OF THE MICRONESIANS SUPPORT THE
FREE ASSOCIATION COMPACT, AND (B) THERE IS ADEQUATE
US LOBBYING, WE CAN GET THE NECESSARY NINE VOTES
FOR, AND AVOID VETOS OF, A RESOLUTION TERMINATING
THE TRUSTEESHIP AGREEMENT.

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3. NEVERTHELESS, IN THE 1980'S ATMOSPHERE OF ANTI-
COLONIALISM AND HIGH SUSPICION OF METROPOLITAN
POLICIES, CONTINUATION OF US RESPONSIBILITY FOR THE
DEFENSE OF MICRONESIA WILL AROUSE STRONG CRITICISM
AND OPPOSITION. WHATEVER OPPOSITION MAY BE STIMULATED
BY THE RETENTION OF US DEFENSE AUTHORITY, THERE WILL
BE STRONGER, AND JUST POSSIBLY FATAL, OPPOSITION TO

THOSE PROVISIONS WHICH RETAIN FOR THE US THE POWER TO BRING THIRD COUNTRIES INTO MILITARY RELATIONSHIP WITH MICRONESIA WITHOUT SEEKING MICRONESIAN AGREEMENT OR AT LEAST CONSULTING THEM. WE ARE CONCERNED THAT SECTION 14 OF THE THREE-DOCUMENT COMPACT, WHICH WOULD GIVE THE US A UNILATERAL RIGHT TO "INVITE MILITARY UNITS OF OTHER COUNTRIES ACTING IN CONJUNCTION WITH AND UNDER THE OPERATIONAL CONTROL OF THE US FORCES TO PARTICIPATE IN MILITARY ACTIVITIES" IN MICRONESIA, WILL BE SEEN AS EXTREMELY PROVOCATIVE BY MEMBERS OF THE SECURITY COUNCIL. IT WILL BE CONTENDED THAT TO SUBJECT THE MICRONESIANS TO A PERVASIVE US PRESENCE IN THE ISLANDS IS AT BEST TOLERABLE, BUT TO ALLOW THE US TO DECIDE, WITHOUT CONSULTATION, TO IMPORT THIRD COUNTRY MILITARY FORCES INTO MICRONESIA CONSTITUTES AN UNACCEPTABLE FORM OF METROPOLITAN POWER MILITARY DOMINATION.

4. SIMILARLY, SECTION 32 OF THE SECURITY AND DEFENSE AGREEMENT PROVIDES, WITHOUT ANY REQUIREMENT OF EITHER AGREEMENT OR EVER CONSULTATION, THAT THE US "MAY DETERMINE THAT ANY APPROPRIATE DEFENSE TREATY OR OTHER INTERNATIONAL SECURITY AGREEMENT TO WHICH IT IS OR MAY BECOME PARTY EXTENDS TO MICRONESIA." FORCES HOSTILE TO THE US IN THE SECURITY COUNCIL WILL ARGUE THAT THIS ARTICLE
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LIKEWISE CONSTITUTES AN ATTEMPT TO PRESERVE A DOMINANT AND POTENTIALLY OPPRESSIVE MILITARY POSITION IN MICRONESIA WHICH WAS NOT NECESSARY EVEN DURING THE WAR IN VIETNAM.

5. THESE TWO SECTIONS OF THE SECURITY AND DEFENSE AGREEMENT APPEAR IN SECTIONS 324 AND 342 OF THE SINGLE DOCUMENT VERSION OF THE DRAFT COMPACT. WE URGE THAT THE USG REVIEW THE NEED FOR THESE PROVISIONS.

6. USUN DOES NOT HAVE STRONG VIEWS ON THE DESIRABILITY OF A SINGLE VS. A THREE-DOCUMENT VERSION IN THE CONTEXT OF SEEKING SECURITY COUNCIL APPROVAL TO TERMINATION OF THE TRUSTEESHIP AGREEMENT. IF THE USG WERE TO OPT FOR THE THREE-DOCUMENT VERSION, IN ORDER TO PROTECT THE INTEGRITY OF THE COMPACT IN THE UN CONTEXT WE WOULD HAVE TO PRESENT THE THREE SEPARATE AGREEMENTS AS AN INDISSOLUBLE PACKAGE TO THE SECURITY COUNCIL. PRESUMABLY THIS FIRM LINKAGE WOULD HAVE TO BE DONE WHEN PRESENTING THE PACKAGE TO THE MICRONESIANS

IN ORDER TO GET THEIR AGREEMENT AND LATER TO THE CONGRESS TO SEEK ITS APPROVAL. FROM THIS VANTAGE, THE QUESTION OF THE DESIRABILITY OF A SINGLE AS OPPOSED TO A THREE-DOCUMENT VERSION DOES NOT LOOM LARGE; FROM AN INTERNATIONAL LEGAL VIEWPOINT, THE SURVIVABILITY OF DEFENSE PROVISIONS IN THE EVENT OF MICRONESIAN DENUNCIATION OF POLITICAL/ECONOMIC ASPECTS WOULD NOT SEEM TO DEPEND IMPORTANTLY ON THREE VERSUS ONE.

7. THE MILITARY AND DEFENSE ASPECTS OF THE COMPACT, WHETHER IN A SEPARATE DOCUMENT OR AS PART OF A

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C O N F I D E N T I A L SECTION 02 OF 02 USUN NEW YORK 02321

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SINGLE AGREEMENT, WILL BE SUBJECT TO INTENSE EXAMINATION BY SECURITY COUNCIL MEMBERS. IT CAN BE ARGUED THAT THE THREE-DOCUMENT OPTION WOULD MAXIMIZE THE FOCUSING OF ATTENTION ON DEFENSE AND SECURITY ASPECTS, BUT IT WOULD BE OVERSTATING THE MATTER TO SAY THAT THE SINGLE-DOCUMENT ALTERNATIVE WOULD SIGNIFICANTLY LESSEN CRITICISM OF THESE ASPECTS.

8. FINALLY, THE SETTLEMENT OF DISPUTES PROVISIONS OF THE DRAFT COMPACT EXPOSE IN THE MOST EMBARRASSING WAY THE SUPERFICIALITY OF THE AVOWED US COMMITMENT TO IMPARTIAL THIRD PARTY SETTLEMENT OF INTERNATIONAL DISPUTES. WHETHER IN THE SINGLE OR THREE-DOCUMENT VERSION, THE COMPACT EXPRESSLY EXCLUDES THE SETTLEMENT OF DISPUTES PROVISIONS FROM ANY APPLICATION WHATEVER TO THE SECURITY AND DEFENSE ARTICLES; THEY ARE TO APPLY ONLY TO THOSE PARTS OF THE COMPACT DEALING WITH

POLITICAL AND GOVERNMENT RELATIONS ON THE ONE HAND
AND ECONOMIC RELATIONS ON THE OTHER; EVEN IN THESE
AREAS, SUBMISSION TO ARBITRATION IS WHOLLY
VOLUNTARY. WE CAN APPRECIATE WHY THE USG DOES NOT WISH
TO SUBMIT TO BINDING ARBITRATION WITH RESPECT TO
POSSIBLE US-MICRONESIAN DIFFERENCES OVER THE
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INTERPRETATION OR APPLICATION OF SECURITY AND
DEFENSE ARTICLES, BUT THE ABSENCE OF EVEN A SIMPLY
STATED REQUIREMENT THAT THE USG AND THE MICRONESIAN
GOVERNMENTS INVOLVED SHOULD CONSULT IN A GOOD FAITH
EFFORT TO SETTLE ANY DISPUTE IS EXTREMELY HARMFUL
TO THE US POSITION AROUND THE WORLD. THE INTERNATIONAL
COMMUNITY WILL SAY THAT WHEN IT COMES TO MATTERS
OF REAL POTENTIAL CONCERN TO THE US, THE US POSITION
ON THIRD PARTY SETTLEMENT IS PERSISTENT AND
UNYIELDING OPPOSITION, WHICH IS EXACTLY THE SAME
POSITION AS THAT OF THE USSR AND CHINA. ACCORDINGLY,
WE URGE THAT CONSIDERATION BE GIVEN TO INCLUDING
IN THE SECURITY AND DEFENSE SECTION OF THE COMPACT
A PROVISION REQUIRING BOTH SIDES TO CONSULT IN A
GOOD FAITH EFFORT TO SETTLE ANY DISPUTE
THAT MAY ARISE. YOUNG

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